



Clifford Darton



Call date: 1988

Email: cdarton@elyplace.com

Telephone number: 0207 400 9600

Practice areas

Business

Property
& private client

Public &
regulatory



Clifford Darton is recommended in both Chambers UK and the Legal 500 which have previously described him as a “razor-sharp intellect”, “a force to be reckoned with” and “one of those rare advocates who is as strong on his feet as in drafting advice and pleadings”.

Specialising in commercial/chancery work and in property cases, Clifford is particularly well known for his expertise in relation to the Water Industry and Environmental Law including its criminal provisions. He has appeared in over 40 reported cases in the High Court and in the Court of Appeal and is instructed to appear in the Supreme Court as lead counsel in the much followed case of *MWB Business Exchange Centres Ltd v Rock Advertising Ltd* [2016] 3 WLR 1519..

Business



Clifford acts in most types of commercial and insolvency litigation including Pre-emptive remedies, Minority Shareholder Actions, claims against Directors for breach of duty, claims for Unjust Enrichment or for Breach of Fiduciary duties, Shareholder Disputes, Partnership Disputes, claims under the Commercial Agents Directive, Directors’ Disqualifications, actions for Breach of Confidence and Database Rights and proceedings to enforce Restraint of Trade Covenants. He is particularly sought after in claims arising out of guarantees and indemnities having appeared in the landmark case of *Johnson v. Davis* (1999) Ch.117 CA.

MWB Business Exchange Centres Ltd v Rock Advertising Ltd [2016] 3 WLR 1519 CA, Times, July 22, 2016 (anti-oral variation clauses and the rule in *Foakes v Beer*).

Hniazdzilau v Vajgel, Enriquez and Bronovets [2016] EWHC 15 (Ch) (Acting as leading junior for the successful Belarusian claimant in a 12 day trust action to recover ownership of a \$6 million property in Minsk).

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Wilson & Sharp Investments v Harbourview Developments [2015] EWCA Civ 1030 (Injunction to restrain a winding up petition on a £1.2 million interim certificate under a JCT Contract).

Intellimedia Systems Ltd v. Doyle [2015] EWHC 1200 (Ch) (acting for the successful Hong Kong claimant in a 7 day action to rectify a company's register and recover shares).

Earp v Kurd (costs) [2014] EWCA Civ 1482 (Recovery of Mortgagee's costs).

Earp v Kurd [2013] BPIR 965 (ChD) (Established that a (circa (£800,000) legal charge over a bankrupt's property was not a sham after a 7 day trial in the Chancery Division brought by a trustee in bankruptcy).

Morse v. Eagle Moss Publications [2013] EWHC 1507 (Four day trial in the Chancery Division of claim for misrepresentation and breach of fiduciary duty)

Beals Mortgage & Financial Planning LLP v. First Global Financial Services [2012] EWHC 3761 (Acted on behalf of the successful claimant in 20 day action for damages and an injunction for breach of confidentiality and database rights)

Costello v. MacDonald & Otrs [2011] EWCA Civ 930 CA (Claim in restitution for unjust enrichment against the directors of a building company).

Alan Philips Associates Ltd v. Dowling [2007] BLR 151 CA (Third party costs order against a company director)

County Garages (Birmingham) Ltd v. Manton [2007] EWCA Civ 950 (six week trial in Birmingham Mercantile Court of a claim for rectification of a Shareholders Agreement and attendant damages).

Johnson v EBS Trustees [2002] Lloyd's Rep. 309 CA (Abuse of confidence and rescission for breach of fiduciary duties on the part of a solicitor trustee).

In the Matter of Simon Box Diamonds (2002), LTL 25/6/2002 Ch.D (Appeal against a director's disqualification).

Greene King Plc v. Stanley [2002] B.P.I.R 491 CA (Guarantees, IVA's and undue influence).

Stimpson v. Smith (1999) Ch 340 CA (The rights of contribution between co-sureties on settlement with their joint creditor).

Johnson v. Davis [1998] 3 WLR 1299 CA (Whether an IVA under Insolvency Act 1986 released a co-debtor).

Property & private client



With a background in chancery work Clifford Darton deals with almost all aspects of real and leasehold property but particularly mortgages, restrictive covenants, easements, claims in proprietary estoppel and disputes arising out of the sale of land. He continues to practice in some areas of more traditional chancery work such as Probate Disputes, Inheritance Act claims and Co-ownership of property disputes and is currently defending (as leading junior) a £2.2 million breach of trust/tracing claim brought by the Estate of a German National.

Hogg v Eddery [2015] EWHC 942 (Ch) (Successful appeal against summary judgment on a £900,000 plus claim on a contract for the sale of land).

Bushan v Chand [2015] EWHC 1298 (Ch) (Four week trial in the Chancery Divisions of constructive trust claim to some 40 commercial and residential properties in Birmingham).

Clifford Darton

CFB Ltd v. Atkins [2013] EWCA Civ 1101 (the payment of undisclosed commission to mortgage brokers and relief under Section 140A and 140B of the Consumer Credit Act 1974)

Dibble v. Pfluger [2010] 1 FLR 659 CA (constructive trust and the application of the dicta in Oxley v. Hiscock).

MacDonald & Bannigan v. Frost [2009] EWHC 2276 Ch D (Birmingham) (Proprietary estoppel and succession)

Walters v. Smee [2008] EWHC 2902 Ch (Testamentary disposition and undue influence).

Jones v. Cleanthi [2007] 1 WLR 1604 CA (The statutory extinguishment of an easement under the provisions of the Housing Act 1985).

Lane v. O'Brien [2004] EWHC 303 QBD (Calculation of Wrotham Park damages for breach of covenant)

Horn v. Phillips [2004] EWCA Civ, 1877 CA (The exclusion of extrinsic evidence in a boundary dispute where the terms of the conveyance were clear).

West Sussex Properties Ltd v. Chichester District Council (2000) AER (D) 887 CA (Rescission in equity for mutual mistake and equitable relief).

Crewe Services & Investment Corporation v. Silk [1998] 2 EGLR 1 CA (assessment of damages for diminution in the value of a lessor's reversion during the continuance of a lease).

Public and regulatory



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Memberships

Chancery Bar Association
Property Bar Association

Regulatory information

Vat number: 582863503
<https://www.barstandardsboard.org.uk/regulatory-requirements/the-barristers'-register/?ProfileID=36595>



Ely Place Chambers
13 Ely Place
London EC1N 6RY

Telephone: 020 7400 9600
DX: 291 Chancery Lane
Email: admin@elyplace.com



www.elyplace.com